

THE NEWS OF NORFOLK ON PAGES 2, 3, 5, 6 & 13.

"77"

A handy remedy for

COLDS

A handy remedy for Colds is every-thing. To have a remedy at hand when you take Cold is the surest way of getting rid of the Cold quickly. A few doses of "77" at the beginning will "break up" any Cold within twenty-four hours; hence the value of a remedy that can be carried in the pocket.

"77" consists of a small vial of pleasant pellets, that fit the vest pocket. It will interest you to know how "77" cures. It restores the checked circulation (known by a chill or shiver), starts the blood coursing through the veins and so "breaks up" the Cold.

Amount of all Diseases sent free.

For sale by all druggists, or sent on receipt of price, 25c. or five for \$1.00. Humphreys' Homeopathic Medicine Co., corner William and John streets, N. Y.

Our Store Is Convenient

—handily situated, and hold—
—everything required by man—
—for correct dress. As an—
—illustration of the variety—
—here:

OVERCOATS—every grade—every style—short or long—rough or smooth fabric—\$10 to \$50.

BUSINESS SUITS—Cheviots and Homespuns in popular Oxford and greenish mixtures—\$18.

UNDERWEAR—more kinds than you can begin to think—\$1 to \$10 per garment, and money saved to you on every grade.

E. & W. FULL DRESS SHIRTS—Caddo, Saco, Tauto, \$2.00 each.

WHITE SHIRTS—Williamsville, muslin—best linen bosom—four styles—\$1.00.

NECKWEAR—every favorite shape—every fashionable conceit in pattern and coloring—50c. to \$3.

HOLIDAY GIFTS.

SMOKING JACKETS,
\$5 to \$25.

BATH ROBES,
\$5 to \$25

Dressing Gowns,
\$8 to \$35.

SILVER MOUNTED UMBRELLAS,
\$2.50 to \$10.00.

SUSPENDERS,
50c, 75c, \$1, \$1.50 and \$2.

HATS,
\$1, \$1.50, \$2, and up.

Perebe, Jones & Co.
CORNER

MAIN and COMMERCE STS.

PERFUMERY!

ALL LADIES APPRECIATE NICE PERFUMERY.

Our Assortment is Complete

AND FROM THE BEST MAKERS.

4711 FARM COLOGNE, \$2.5 A BOX.

VIOLET EXTRACTS ARE SPECIALLY NICE. HUNNITS (NEW YORK'S LEADING PERFUMER) EXTRACTS AND TOILET WATER.

Rogers & Gallet's Extracts

FANCY ATOMIZERS, CUT GLASS BOTTLE, AND OTHER FANCY GOODS FOR THE HOLIDAY SEASON.

Burrow, Martin & Co.,

296 MAIN STREET.

Goods delivered free Portsmouth, Berkley and all parts of city.

COURT DECISIONS.

Notes of Cases Recently Decided,
Which are of Interest to
Our People.

DIGESTED BY W. B. MARTIN.
(Exclusively for Virginian-Pilot.)

HUGHES V. STAUNTON.

Supreme Court of Appeals of Virginia.
N. v. number 16, 1899.

A CITY MAY LEVY TAXES ON ANY PROPERTY THEREIN AND ON SUCH SUBJECTS AS MAY AT THE TIME BE ASSESSED WITH STATE TAXES AGAINST PERSONS RESIDING THEREIN.

TAXES FOR CITY PURPOSES UPON FUNDS IN A GUARDIAN'S HANDS MUST BE LEVIED IN THE CITY WHERE THE PROPERTY IS AND THE PARTIES RESIDE, NO MATTER WHERE THE GUARDIAN QUALIFIED.

Mrs. Hughes qualified as guardian of her children in the Hastings Court of the city of Staunton in 1893, and she and her wards continued to reside in that city for several years, to make her ex parte accounts to a commissioner of said court and to pay to the city taxes on the property of her wards held by her. She afterwards removed with her wards to the city of Lynchburg and most of the funds in her hands were invested in that city and none of them in Staunton. In 1898 she was assessed as guardian with these funds both in the city of Staunton and in the city of Lynchburg. She paid the city taxes, but applied to the Hastings Court of Staunton for relief against her assessment for city taxes on the ground that such assessment was erroneous. The Court dismissed her application and she appealed.

The Court says: Section 1433 of the Code provides that cities shall have the right to make their annual levy for the purposes stated in the statute upon any property therein, and on such other subjects as may at the time be assessed with the State taxes against persons residing therein.

Under this statute it is clear that the city of Lynchburg had the right to assess a tax for city purposes for the year 1898 upon the funds in the hands of the plaintiff in error, and the funds having been properly assessed and taxed for city purposes in the city of Lynchburg and the tax thereon paid, there was no right in the city of Staunton to levy and collect a like tax upon the funds.

We are of opinion, therefore, that the order of the Hustings Court of the city of Staunton is erroneous and should be reversed and annulled. Reversed.

ADAMS V. BATTLE.

Supreme Court of North Carolina.
November 7, 1899.

WHERE A DEED TO A TRUSTEE TO SECURE CREDITORS PROVIDED THAT HE SHOULD HAVE A CERTAIN PER CENT COMMISSIONS, A SUBSEQUENT AGREEMENT BETWEEN THE GRANTOR AND TRUSTEE THAT THE COMMISSIONS SHOULD BE LESS, MAY BE PROVED BY PAROL EVIDENCE.

IN SUCH CASE THE GRANTOR MAY SUE TO RECOVER THE EXCESS THAT THE TRUSTEE RETAINED, EVEN AFTER THREE YEARS FROM THE MAKING OF THE PAROL AGREEMENT.

This was an action to recover from the executor of a trustee an amount claimed to have been retained by the trustee as commissions. The plaintiff made a deed to the trustee to secure his creditors providing that the trustee should have commissions at 8 per cent. Some days afterwards the parties made an oral agreement that the commissions should be 5 per cent. The trustee closed his trust, but retained 8 per cent. There was a judgment for plaintiff and the defendants appealed.

The court says: It seems that no verbal agreement contemporaneous with the execution of an instrument under seal will be heard to contradict its terms. The effect of a subsequent agreement by the same parties has been much discussed by different courts. It was an old iron-clad maxim of the common law that an obligor would only be released by an instrument of as high dignity as that by which he was bound—that is, being obligated by a deed, he could be released only by an instrument under seal.

Technically this is the rule of modern times, unless changed by statute, but practically it is seldom enforced. To this rule the exceptions were and are so numerous that seldom can the rule be applied. In an action on the bond or other sealed instrument, the debtor pleads and proves the actual receipt of the money by the obligee.

If proof of payment will discharge, why should not an agreement to discharge have the same effect between the same original parties? It seems difficult to find a case where the parties, bound to each other by an instrument under seal, will not be discharged by parol proof of facts, if they are sufficient in themselves to constitute a discharge. In such matters the defenses are performance in pais, and are probably of more value to business men than the dignity of being sheltered by a seal.

The chief reasons for the sacredness of the seal have ceased, since statutes and courts of equity have been liberally removing the hard places of the common law. The dignity of the seal is due more to the original form of the instrument than to the real interest and intention of the parties. Whether the trustee intended to retain 8 per cent.

commissions was not informed, as he had recently before his death closed out the other trust matters, nor is this very material now. He was a practicing attorney, and understood technicalities of the law, and we must assume that when he made the parol agreement he did so in good faith. We are led to the conclusion that the evidence was admissible, and that the charge of the court was not erroneous. The result seems to be full justice, without the infringement of any sound principle of law.

It is the action barred by the three-year statute of limitations? If it rests solely on the parol agreement, it is barred. If the action is based on the contract in the deed, it is not barred. It will be observed that by the terms of the parol agreement the trustee made no promise to pay the plaintiff anything, but only agreed to retain less commissions than those nominated in the deed. The plaintiff, however, the entire property passed to the trustee with an express trust impressed on it, and nothing appears to show that it was deeded of the trust during the trustee's life. The trustee stated and admitted no account of his administration, and a settlement appears to have been made between him and the trustee. The plaintiff, setting out the trust deed, alleges that the trustee is due him the amount sued for, evidently meaning the difference between the rate of commissions. Now, if anything due the plaintiff remained in the trustee's hands at his death, it passed to the plaintiff, whether so expressed in the deed or not. The plaintiff demands said sum in his complaint, and it was for the jury to ascertain the amount. We are of opinion that the action is not barred, and that no error was committed on the trial. Affirmed.

ANNUAL DOLL SALE

WAS SUCCESSFUL AND WILL BE CONTINUED TO-MORROW.

The annual doll sale, which is being held by the Young Daughters of the Confederacy, has, as usual, been a financial success.

The sale was in progress two days of the past week at 57 Granby street and the proceeds will be devoted to the support of Confederate widows and orphans in our city. The Young Daughters of the Confederacy are zealous workers and whatever they undertake always proves a success.

The doll sale this year far surpasses any that they have ever held. Such a display of elegantly dressed dolls has never been seen in Norfolk. Here one finds dolls of all descriptions, from the negro mammy to the elegantly dressed bride, Miss Dixie, a most stately and becomingly attired doll, will be raffled at 57 Granby street, where all the remaining dolls will be auctioned off. The sale will be continued from 10 to 12 Monday, and with the auction sale it will end.

The following dolls were raffled off yesterday:

No. 19—Miss Walk-About, won by Miss Annie Gorman.

No. 94—Miss Imogene, won by Mr. M. Alexander.

No. 21—Dollie Dimple, won by Miss Umstatter.

No. 61—Dorothy Manners, won by Miss Rose Cook.

No. 6—A small doll, won by Mrs. Stahl.

It is earnestly hoped that a large crowd will be in attendance between the hours of 10 and 12 Monday, for the Young Daughters of the Confederacy are making strenuous efforts to aid this noble cause.

THE WORK COMPLETED

STREET RAILWAY AND ELECTRIC COMPANIES CONSOLIDATED.

The Norfolk Railway and Light Company, of which Mr. R. Lancaster Williams, of Richmond, is president, held a meeting yesterday to complete the consolidation of several properties managed by Mr. Williams for a syndicate, of which he is a part.

At yesterday's meeting the Berkley Electric Light and Power Company was included with the Norfolk street railway, the Ocean View railway, the Virginia Electric Company, under the charter recently granted the Norfolk Railway and Light Company.

Other matters necessary to perfect the consolidation of these valuable interests were attended to. With the completion of the work begun sometime ago the promoters of this great enterprise are in position to give prompt and efficient electric railway and light service with less risk and cost to their patrons, it is said.

Y. M. C. A. Gymnasium Notes

The gymnasium exhibition, or "ladies' night," has been postponed until Monday, the 18th instant, at which time a good program of gymnastics, specialties, etc., will be given. Only members of the gymnasium class will have tickets for their friends and a limited number will be issued.

Sixteen members of the Junior Gymnasium Bible Class spent a very pleasant outing yesterday afternoon. Physical Director Ward was in charge of the boys, who met at his house in Brambleton at 2 o'clock, after which they boarded the sloop Pearl at the foot of Claiborne avenue and sailed up the Eastern Branch. The party returned about dusk. The boys were overjoyed at the trip, which they greatly enjoyed.

Yesterday morning the gymnasium floor was crowded to its utmost capacity with the junior class, there being sixty-three boys present.

Tickets on sale for the Christmas holidays by the Seaboard Air Line, December 22d, 23d, 24th, 25th; also December 26th and 31st, 1899, and January 1st, 1900, good until January 4th, inclusive. de-su, we, fr-1f

Died in Eastville

Mrs. Estelle M. Blanks, the estimable wife of Mr. Edward W. Blanks, died Thursday evening at the home of her husband, at Eastville, Va. Mrs. Blanks was a lady of amiable disposition and was greatly beloved by a large circle of friends, who will deeply mourn her loss and death. Deceased before her marriage was Miss Estelle Mason, and formerly lived in Norfolk, and was married to Mr. W. J. Mason, of this city. The funeral took place yesterday at noon, and was largely attended.

COURTS YESTERDAY

Mr. Swann Files Delinquent Tax Claims for More Property.

Two Men Sent to Jail and One to the Penitentiary for Burglary—Damage Suit Settled—Norfolk County Bankrupt—Police Court.

Mr. W. E. Swann, of Powhatan county, has filed applications in the Clerk's office for additional pieces of property upon which the taxes for 1898 remain unpaid. The names of the owners and the location of the property is as follows:

Minnie L. Wilson, lot, Franklin avenue.

R. G. Waddy, house and lot, Wiloughby avenue.

W. C. Waller, lot, Clarke street.

Ellenor C. Webb, house and lot, Highland avenue.

Rosa L. Belote, house and lot, 67 Sheldon avenue.

Peter Thomas, house and lot, 115 Nicholson street.

Salie V. Taylor, house and lot, 137 Gibbs avenue.

J. H. Simmons, house and lot, 25 Highland avenue.

E. W. Savage, house and lot, 12 Claiborne avenue.

Sarah E. Smith, lot, Camp avenue.

Frank Smith, house and lot, 26 Avenue A.

Same, house and lot, 19 and 20 Avenue B.

John E. Smith, house and lot, Central avenue.

W. J. Lee, W. W. Staley, N. G. Newman, A. T. Holland and E. E. Holland, trustees for the Eastern Virginia Christian Conference, property on Tunstall avenue.

Sarah E. Portlock, lot, Hawk street.

Same, house and lot, Hawk street.

Mary B. Roper, house and lot, 26 Hawk street.

Jefferson Robbins, house and lot, 47 High street.

Ellen Robertson, lot, Walke street.

William N. Rogers, lot, Hughes avenue.

Ellen Robinson, house and lot, Rose avenue.

Mattie Peed, administratrix of Lemuel T. Peed, house and lot, 397 and 399 Church street.

Joseph Perry, house and lot, W. Marshall avenue.

William Pannill, lot, E. Marshall avenue.

C. H. Oliver, house and lot, Windsor avenue.

PAYING FOR "A GODD TIME"

William Macks and James Davis, both colored, were tried and convicted in the Corporation Court yesterday of housebreaking. They were each given a term of twelve months in jail and a fine of \$10. They broke open John Stroud's place at 633 Church street and stole therefrom a lot of cigars, cigarettes, wine and whiskey, with which they had "a good time."

Robert Daniels, colored, was tried and convicted and given two years for attempting to burglarize the residence of Mr. D. Etheridge.

PROPERTY TRANSFERS.

John N. Williams, surviving trustee, to H. S. Ackiss, property fronting 190 feet on the east side of Omohundro avenue and 100 feet on the north side of Eleventh street, \$2,500.

J. W. Pedin & Co. to T. L. Strawhand, lot 141 on plot of Brambleton Land Company, \$250.

The Norfolk Company to Lettie B. Harrison, two lots fronting 25 feet each on the west side of the street west of Stockley's gardens, Ghent, \$2,520.

George W. Day, trustee, to N. W. Burke, lot with improvements fronting 33 feet on the north side of Suffolk street, \$1,225.

LAW AND CHANCERY.

The following cases were disposed of in the Court of Law and Chancery: Thomas J. Huggins vs. B. E. Simpson; dismissed.

J. M. Garrett vs. B. E. Simpson; dismissed.

J. S. Kent & Co. vs. E. T. Williams & Co.; judgment for \$111.

SETTLED OUT OF COURT.

The case of John Rixey Smith against the Norfolk Street Railway Company was dismissed in the Court of Law and Chancery yesterday on motion of the plaintiff, having been settled out of court. It was a suit for \$2,000 damages for injuries sustained by the plaintiff by being struck by a falling wire at the corner of Main and Bank streets.

NORFOLK COUNTY BANKRUPT.

A petition in bankruptcy was filed in the office of the clerk of the United States Court yesterday by Guy T. Hastings, a Norfolk county farmer and dairyman, through Messrs. Wolcott & Wolcott, attorneys. Liabilities, \$4,942.92; assets, \$100. Creditors: L. J. Pritchard, Princess Anne county; C. B. Lakin, Washington, D. C., and R. O. Byslop, Norfolk.

THE POLICE COURT.

This is the season of the year when turkeys take the place of chickens and other fowl. It is even the case with the chicken thief, as was demonstrated by Kelly Backis, of Portsmouth, who was sent to jail yesterday in default of a ten-dollar fine imposed upon him for stealing two turkeys from Feuerstein & Co., on Commerce street. Backis was employed by the firm, and they say they have been missing dressed fowls for some time, which they could not account for.

WIFE BEATER FINED.

A. C. McNeal, a white man living in Brambleton, was fined \$15 and costs for beating his wife and abusing her. May, who went into McNeal's house, attracted by the screams of his wife, McNeal told the officer he would break his neck if he did not "clear out." The officer did "clear out," but took the husband with him. McNeal could not pay the fine, and he went to jail.

Oscar Davis, colored, will be given a preliminary hearing by Justice Tomlin to-morrow upon the charge of housebreaking.

William Watkins, alias Campbell, colored, was found guilty upon the charge of trespassing, and paid \$1.50.

Maggie Jones, colored, charged with assaulting Cora Johnson, will be tried to-morrow.

ST. JOS PH'S FAIR.

PROGRAM FOR THIS, THE CLOSING WEEK.

The attendance at the St. Joseph's Catholic Church fair, now in progress at their school building, Queen street, near Brewer street, has proven so highly gratifying to its promoters that the management are encouraged to continue the same until Friday of the present week. It is to be hoped that the generous patronage of the many white and colored friends of the work will continue to manifest itself during the closing days of the bazar.

In the many pretty and tastefully decorated booths, which have won golden opinions from sight-seers, may be found some new and novel attractions, to the hitherto lavish display of useful and ornamental articles, including bicycle, musical instruments, pictures, bird-a-bee, sacred ornaments, artistic embroidery and other handwork wrought by the Franciscan Sisters and others.

Visitors to the fair, will be entertained each evening of the week in the amusement room, with the following program, beginning at 8 o'clock: Monday—Cake walk by school children. Tea party.

Tuesday—Spelling bee.

Wednesday—Literary and musical.

Thursday—Concert, piano and vocal quartets.

Friday—Cake walk, school children. Literary and musical.

Prize contests.

Rev. C. B. Stickler, D. D.

Rev. Dr. G. B. Stickler, of the Union Theological Seminary, who is regarded as the most profound thinker and ablest theologian in the Southern Presbyterian Church, will occupy the pulpit of the Second Presbyterian Church at 11 a. m. and 7:30 p. m. to-day. Dr. Stickler has frequently preached in Norfolk, and on several occasions has attracted large and interested audiences to hear him. His sermons are prepared with great care and delivered with a force that leaves a lasting impression upon his hearers.

A Terrible Place

William Gilmore, colored, who says he has been sent by the angels and poses as prophet, was declared to be sane by a commission of lunacy composed of Justices Dalton, Seneca, Ashburn, Gilmore, like "Prophet" Booker, relates a "vision" he had, in which an angel appeared to him and allowed him to look at "that terrible place," where they don't shovel snow. He says he could feel the heat in his vision.

Piano Bargains.

We have some extra bargains in "high grade" Uprights, Addison's Piano Parlor, cor. Granby and Charlotte streets. de-2t

The improvements being made by the Port Norfolk Investment Company are very attractive, and add much to the appearance of the property. It is surprising that such finely improved lots can be put on the market so near the growing centre at such remarkable low prices. 1t

A New Undertaking Establishment has been opened by Thomas Scott's Sons & Co., at No. 36 Charlotte street. Funeral orders will receive prompt attention day or night. Mr. George J. McDermott, manager. Southern Bell phone No. 597. oc15-1f

The old folks are waiting for you Christmas, so let the Seaboard Air Line. One and one-third fares round trip. Tickets good for two weeks, if purchased December 22d. de-su, we, fr-1f

A Popular Authoress Here

Mrs. Frances Hodgson Burnett, the noted authoress, who is as popular in Europe as in America, where her name is a household word, arrived yesterday from Washington on a visit to her brother, Mr. T. E. Hodgson, No. 71 Grace street. She was accompanied by her sister, Mrs. Edith Jordan, also of Washington. These ladies will remain here some time.

OTHER LOCAL ON PAGE 6

"Honest Labor Bears a Lovely Face."

There is nothing more pleasing to look upon than a hearty, ruddy face, gained by honest toil. They are the saving of the nation, these toilers of both sexes, struggling for daily bread.

"Pure blood makes them able to keep up the daily round of duty at home, shop or store. If the blood has a taint or impurity, or a run down feeling comes on, the remedy is Hood's Sarsaparilla, America's Greatest Medicine for the blood.

Poor Blood—"My blood was so poor that in hottest weather I felt cold. Hood's Sarsaparilla made me warm. It is the right thing in the right place." Hattie J. Taylor, Woodstown, N. J.

Hood's Sarsaparilla
NEVER DISAPPOINTS

It cures liver ill, the most disgusting and cathartic to take with Hood's Sarsaparilla.

Read and be Wise.

Best Baltimore Lard..... 7c
Best Lard..... 10c
Best Corned Ham..... 12c
New Beans..... 9c, quart.
Eye Peas..... 8c, quart.
New Mixed Nuts..... 10c, pound.
Seeded Raisins and Currants, 10c, package.
New Malaga Raisins..... 12c, pound.
Shelled Almonds..... 12c, pound.
Soft Shelled Almonds..... 12c, pound.
Fox River Butter lb. prints, 20c, pound.
Royal Patent Flour..... 34.25 barrel.
We make special prices on goods in large quantities. Remember our special delivery service is the best in the city. "Three wagons."

VIRGINIA GROCERY CO.,
6 AND 8 NEW MARKET PLACE,
BOTH PHONES 462.

The Saks Store
234-236 MAIN STREET

Beginning To-morrow, Monday, Open Every Evening Until Christmas.

Holidays are Uppermost in Your Thoughts Now.

The thorough preparation which the store and stocks show prove them to have been in the front of our attentions for months. It's a glad time—made all the more joyful by the conditions that make it possible for us to present to the gift-buyers such really wonderful opportunities—opportunities that would be remarkable even in the lesser excitement of normal business days. We shall hurry the information of them into print as rapidly as we can.

But Here's a Sale of Suits That Must Be Chronicled. Extraordinary Values.



As you well know, we make our Clothing—and that's why it is the best. And, as makers, we are patrons of the leading cloth mills. This special offering of Suits has its origin there. We closed out eight small lots of Fine Suits—enough to make up 450 "garments." With the good fortune of such a purchase we have coupled the best of tailoring and trustful of trimming—and have ready for selling to-morrow two lots of Suits that are worth from \$12.50 to \$20.

No "Job lots"—no odds and ends—but genuinely Saks-made Suits—cut in the latest styles, with that new shoulder and back of ours that have been popular features this season—and are being copied by the highest-priced tailors.

In one lot are Herringbone effects, Oxford Mixed, Blue and Black Tights—all wool and fast color, and brown and gray effects.

You may have any \$8 Suit in this lot for - - \$8

Special Sale of Smoking Jackets.